

WINDELS MARX LANE & MITTENDORF, LLP     Hearing Date: Jan. 27, 2016 at 10:00 a.m.  
 156 West 56<sup>th</sup> Street     Objection Deadline: Jan. 20, 2016 at 5:00 p.m.  
 New York, New York 10019  
 Tel: (212) 237-1000  
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 Howard L. Simon  
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 John J. Tepedino

*Special Counsel to Irving H. Picard, Trustee for the  
 Substantively Consolidated SIPA Liquidation of  
 Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  <p style="text-align: center;">Plaintiff-Applicant,</p> v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  <p style="text-align: center;">Defendant.</p>	Adv. Pro. No. 08-01789 (SMB)  SIPA LIQUIDATION  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  <p style="text-align: center;">Debtor.</p>	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  <p style="text-align: center;">Plaintiff,</p> v.  STANLEY I. LEHRER, in his capacity as administrator of the Stanley I. Lehrer and Stuart M. Stein, J/T WROS; STUART M. STEIN, individually, and in his capacity as administrator of the Stanley I. Lehrer and Stuart M. Stein, J/T WROS; ARTHUR SISKIND; LINDA SOHN; NEAL GOLDMAN; DOUGLAS ELLENOFF; ELAINE STEIN ROBERTS; ARTHUR J. FEIBUS; EUNICE CHERVONY LEHRER; ELAINE S. STEIN; ELAINE S. STEIN REVOCABLE TRUST; JAMAT	Adv. Pro. No. 10-05259 (SMB)

COMPANY, LLC; THE MESTRO COMPANY; TRUST U/W/O DAVID L. FISHER; TRUST U/T/A 8/20/90; and EVELYN FISHER, individually, and in her capacity as Trustee for TRUST U/W/O DAVID L. FISHER and TRUST U/T/A 8/20/90,	
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Defendants.

**NOTICE OF MOTION AND MOTION FOR ENTRY OF  
AN ORDER PURSUANT TO RULES 15 AND 21 OF THE FEDERAL  
RULES OF CIVIL PROCEDURE, AS INCORPORATED BY RULES  
7015 AND 7021 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE,  
GRANTING THE TRUSTEE LEAVE TO FILE A SECOND AMENDED  
COMPLAINT AND FOR RELATED RELIEF**

PLEASE TAKE NOTICE that Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities, LLC and the estate of Bernard L. Madoff, by and through his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, Courtroom 723, New York, New York 10004, on **January 27, 2016 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, for an order granting the Trustee leave to file a Second Amended Complaint and For Related Relief in order to (A) add specificity to certain existing claims, (B) add certain parties, and (C) update and conform certain other allegations, in substantially the form and content annexed as Exhibit A to the Declaration being filed simultaneously herewith, as more particularly set forth in the accompanying Memorandum of Law in Support of the Trustee’s Motion for Entry of an Order Pursuant to Rules 15 and 21 of the Federal Rules of Civil Procedure, as Incorporated by Rules 7015 and 7021 of the Federal Rules of Bankruptcy Procedure, Granting the Trustee Leave to File a Second Amended Complaint and For Related Relief.

PLEASE TAKE FURTHER NOTICE that any responses or objections to this Motion must be in writing, conform to the Bankruptcy Rules and other applicable rules and orders of this Court, and shall be filed in accordance with General Order M-399 and the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York (available at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)) by no later than **5:00 p.m. on January 20, 2016** (the “Objection Deadline”) (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Windels Marx Lane & Mittendorf, LLP, 156 West 56th Street, New York, New York 10019, Attn: Howard L. Simon; and (b) Securities Investor Protection Corporation, 1667 K Street, N.W., Suite 1000, Washington, D.C. 20006, Attn: Kevin H. Bell. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis for any objection to the Motion.

Dated: New York, New York  
December 7, 2015

By: /s/ Howard L. Simon  
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